REMARKS

Claims 1-8, 10-13 and 19-28 are pending.

It is noted that the drawing corrections filed on October 27, 2003 for this application have been accepted.

In view of the following remarks, the applicant respectfully requests favorable reconsideration and allowance of the application.

The sections set forth below are presented in the same order as that of the Action for ease of reference.

Claim Rejections under 35 U.S.C. §102(b)

Claims 1-4, 8, 10-13 and 19-24 were rejected for allegedly being unpatentable over Olsen, U.S. Patent No. 1,997,428 ("Olson").

The following brief description of the invention is presented in an effort to clearly explain the structure and the operation of an embodiment. Figs. 1 and 2 of the present application illustrate a clamping tool according to the invention in the open position (Fig. 1) and in a locking position (Fig. 2). The structure of the bar system 8 includes a base 6 which can be connected to a welding fixture 3 so that clamping shoes 19,20, which are situated close to a first end of a clamping bar 9, are positioned near a workpiece 2. The clamping bar 9 is connected to a first toggle joint 13 near its second end, wherein the first toggle joint 13 is also connected to an activation bar 10 that includes a handle 11. The clamping bar 9 is also connected to a rocking bar 12 via swivel pin 23. The activation bar 10 and rocking bar 12 are also both connected to the base 6 via swivel pins 21 and 22, respectively. Lastly, the activation bar 10 is connected to the rocking bar 12 by a second toggle joint 16. It is noted that the first toggle joint 13 and the second toggle joint 16 are shown in dotted lines in Figs. 1 and 2 as they are positioned behind the activation bar 10 and/or behind the rocking bar 12.

When the handle 11 is moved in the direction of the arrow shown in Fig. 1, the clamp shoes 19 and 20 move to engage and clamp the workpiece 2 in place (see Fig. 2). Also, as shown in Fig. 2 and as recited in independent claims 1 and 11, the first and second toggle joints 13, 16 substantially simultaneously assume a dead point position. In particular, claim 1 recites: "... said two toggle joints arranged to substantially simultaneously assume a dead point position when the bar system is taken from the initial position to the locking position...". Similarly, claim 11 recites: "... wherein the first and second toggle joints substantially simultaneously assume respective dead point positions, when the bar system is

moved from a first, unlock position to a second, locked position...". Although independent claim 19 specifies that the first and second toggle joints do not pass their respective dead points simultaneously, it recites: "...wherein the clamping member exerts a first clamping force and a second clamping force when the first and second toggle joints assume their respective dead point positions and the first clamping force is applied at an angle to the second clamping force.". The fact that two toggle joints assume two dead point positions is an essential feature of the invention. Such operation enables the clamp to lock and exert two clamping forces on the workpiece 2 so that pressure can be applied in both a horizontal and a vertical direction (as indicated by the arrows near clamp shoes 19 and 20 in Fig. 2).

The cited Olson patent discloses a clamping device that operates to clamp a steel member 7 in only one direction. In particular, as the clamping member 28 of Olsen moves to its fully clamped position as shown in Fig. 1, the pin 33 moves to a point just ahead of vertical or dead center of the pin 33. In this position, the members 30 and 31 contact the pin member 44 to limit further movement and to provide an over dead center position that locks the clamping device assembly "A" in its fully engaged position. Thus, any further movement of the steel member 7 against the clamping block 42 will not disengage or open the clamping assembly "A". Any upward thrust imposed on the clamping member 28 will not release the clamping device from its locked position (see page 2, col. 1, lines 36-49 of Olsen). Thus, although the Olsen clamping device obtains a dead point position about pin 33, it locks and asserts pressure on the steel member 7 only in the vertical direction.

In contrast, as explained above, pending independent claims 1 and 11 require first and second toggle joints that substantially simultaneously assume a dead point position, and independent claim 19 requires first and second toggle joints that operate so that the clamping member exerts a first clamping force and a second clamping force at an angle to each other when the first and second toggle joints assume their respective dead point positions. Such structure and operation is absent in the Olson clamping device. Thus, the applicant respectfully asserts that claims 1, 11 and 19 are not anticipated. Claims 3-4, 8, 10, 12, 13 and 18-24 all directly or indirectly depend upon claims 1, 11 and 19, and thus are not anticipated for at least the same reasons.

In view of the above remarks, the applicant respectfully requests withdrawal of the 35 U.S.C. §102(b) rejections.

It is noted that claims 5-7 and 25-27 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The applicant thanks the

Examiner for recognizing allowable subject matter, but in view of the above remarks declines to so amend the claims.

In view of the remarks made herein, the applicants respectfully submit that the entire application is in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree that all pending claims are allowable, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of these claims.

Respectfully submitted,

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